

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

IN THE MATTER OF:

CHAPTER 13 CASE NO:

LATOYA S. LEWERS

20-10724-JDW

NOTICE OF TRUSTEE'S MOTION TO DISMISS

Should any party receiving this notice respond or object to said motion, such response is required to be filed on or before October 9, 2020, with the Clerk of this Court using the CM/ECF system or at the following address:

Shallanda J. Clay, Clerk of Court
U. S. Bankruptcy Court
Northern District of Mississippi
703 Highway 145 North
Aberdeen, MS 39730

A copy of such response must be served on the undersigned Chapter 13 Trustee. If no responses are filed, the Court may consider said motion immediately after the time for responses has expired. In the event a written response is filed, the Court will notify you of the date, time and place of the hearing thereon.

CERTIFICATE

I, the undersigned Attorney for Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to all affected creditors and their attorney if known.

Dated: September 15, 2020.

**LOCKE D. BARKLEY
CHAPTER 13 TRUSTEE**

/s/ Melanie T. Vardaman
ATTORNEYS FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
Melanie T. Vardaman (MSB 100392)
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**IN THE UNITED STATES BANKRUPTCY COURT FOR
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IN THE MATTER OF:

CHAPTER 13 CASE NO.:

LATOYA S. LEWERS

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MOTION TO DISMISS

COMES NOW Locke D. Barkley, Chapter 13 Trustee (the “Trustee”) by and through counsel, and files this Motion to Dismiss (the “Motion”) and in support thereof states as follows:

1. On February 18, 2020, the Debtor initiated this proceeding with the filing of a Chapter 13 bankruptcy petition. The Debtor’s Chapter 13 plan was confirmed by Order of this Court on June 9, 2020, for a term of sixty (60) months (Dkt. #34) (the “Confirmed Plan”).

2. On July 23, 2020, American Manufactured Housing, Inc. (the “Creditor”) filed its Proof of Claim in the amount of \$63,711.69 which is secured by property located at 1445 Rock Hill Road, Sardis, Mississippi (Clm. #16-1) (the “Claim”). Due to the Claim filing higher than what was estimated on Schedule D (Dkt. #1) and the Confirmed Plan, the Debtor’s plan payment was increased from \$896.00 per month to \$1,989.50 per month.

3. Therefore, the Trustee alleges that the Confirmed Plan is no longer feasible. Additionally, the Debtor is \$896.00 delinquent in plan payments through August 2020. The Trustee requests that the bankruptcy case be dismissed.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that upon notice and hearing that this Court enter its order granting the Motion and for such other relief to which Trustee and this bankruptcy estate may be entitled.

Dated: September 15, 2020.

Respectfully submitted,

LOCKE D. BARKLEY
CHAPTER 13 TRUSTEE

/s/ Melanie T. Vardaman
ATTORNEYS FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
Melanie T. Vardaman (MSB 100392)
6360 I-55 North, Suite 140
Jackson, Miss. 39211
(601) 355-6661
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CERTIFICATE OF SERVICE

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: September 15, 2020.

/s/ Melanie T. Vardaman
MELANIE T. VARDAMAN